IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

RP.No. 586 of 2007(K)

AGAINST THE JUDGEMENT IN WPC.26986/2006 Dated 18/10/2006
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REVIEW PETITIONERS/RESPONDENTS
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1. STATE OF KERALA, REP.BY THE SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER, LAND REVENUE DEPARTMENT, TRIVANDRUM.

3. THE DEPUTY COMMISSIONER, LAND REVENUE DEPARTMENT, COMMISSIONER OF LAND REVENUE, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

RESPONDENTS: PETITIONERS
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1. P.G.GOPALAKRISHNAN, L.D.CLERK, O/O THE SPECIAL TAHSILDAR (LA), NO.2, TRISSUR-20 NOW WORKING ARRANGEMENT AS L.D.CLERK, O/O THE DEPUTY TAHSILDAR, KERALA FINANCIAL CORPORATION, TRISSUR.

2. T.BREEJAKUMARI, VILLAGE ASSISTANT, TALUK OFFICE, THALAPPALLY, TRISSUR.

BY ADV. SRI.ELVIN PETER.P.J.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

R.P.NO.586/2007 IN

W.P.(C) No. 26986 /2006-K

ORDER

The respondents are the review petitioners. The writ petitioners are the respondents. This Court, by the judgment under review, directed to promote the 1st petitioner as Deputy Tahsildar forthwith, by implementing Ext.P11 order, so that he can retire from service on 31.10.2006. It was also ordered that all the benefits payable to him as a result of the promotion under Ext.P11 shall be disbursed to him within one month.

2. The respondents, who are the review petitioners herein submit that the 1st petitioner was ordered to be promoted as per Ext.P11, when he was actually working in the Rural Development Department. This fact could not be brought to the notice of this Court, when the writ petition was disposed of. It is not in dispute that even if he is ordered to be promoted only after he joined the Revenue Department, he was entitled to get promotion as Deputy Tahsildar with effect from the date he was ordered to be promoted under Ext.P11.

But, the learned Government Pleader appearing for the review petitioners pointed out that the direction to release the entire salary to the 1st petitioner for the period he has actually worked and drawn salary from the Rural Development Department, is an error apparent on the face of the record.

3. Since the 1st petitioner is admittedly entitled to be promoted as Deputy Tahsildar with effect from the date he was promoted as per Ext.P11 order, there is nothing to be reviewed in the judgment under review, concerning the said aspect. But, it is clarified that while releasing the salary due to the petitioner, the amounts he has already drawn towards salary while working in the Rural Development Department can be deducted.

4. The direction issued as per the judgment under review for the benefit of the 2nd petitioner is to allow her to work as Village Officer. Since she was entitled to be posted as Village Officer from the date she was ordered to be posted as per Ext.P12 order, there is nothing wrong with the said direction. But, in her case also, the learned Government Pleader points out that the direction to pay the entire arrears of back

wages is unjustified. Therefore, in this case also, it is clarified that the 2nd petitioner need be paid only the balance salary, after deducting the emoluments she has actually drawn while she was working in the Department of Rural Development.

The Review Petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

30th July, 2007.
nm.